

REMARKS

Claims 11 - 20 are in the application.

The Examiner will note that as a result of the foregoing amendment, the claims have been amended to overcome the rejection of the claims under 35 U.S.C. 112.

Also, claim 11 has been amended to set forth the fact that the sealing line may be comprised of a rubber elastic hollow section. Support for this amendment can be found on page 6, lines 12 to 13, of the application as originally filed. Accordingly, no new matter has been added.

Reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. 103, are respectfully requested.

The reference to Geiger shows a tensioning device which merely provides for a lateral tensioning of the loose fabric. In other words, the reference discloses a force introduction in the horizontal direction transversely of the travel direction of the vehicle. The direction of the direction of the force to the moving roof can also not be changed if, as indicated by the Examiner, the non-moving automobile body (11) may travel upwardly

in the one or other direction. Applicant submits that this argument is not logical.

In addition, it must be taken into consideration that, at least in accordance with the view of Fig. 2 of the reference, there is no upward body line visible because the tension bow (27) is not curved upwardly, but is bent in the direction toward the transverse middle of the vehicle.

Moreover, the reference to Geiger only provides for a tensioning of the "edge" or "seams" of the roof covering but does not provide for a force introduction to a separate seal. Such a seal is not even provided for in the reference. The feature of influencing a sealing line (12), as recited in claim 11 of the present application, is not visible in the reference to Geiger, especially not with a force that presses downwardly.

The reference also does not disclose or suggest a sealing line of rubber elastic hollow sections.

Accordingly, it is respectfully submitted that claim 11, and the claims depending therefrom, are patentable over the art of record.

The reference to Orth et al has been cited for showing a rear tensioning bow that is capable of being moved.

Claim 15 of the present application, according to which the tensioning device is located within a sealing profile, is also not described in column 3, lines 1 to 5, of the reference, because the reference merely shows a folded-over seam but not a separate sealing device.

Also, the teaching according to the reference to Geiger only makes it possible to tension the lower roof edge, however, the reference does not show the downward exertion of a compressive force. It is exactly this force which is the important feature of the present invention because the separate sealing profile, which itself has a high flexibility, would be too soft without this force for really sealing the sealing profile relative to the automobile body.

Accordingly, it is submitted that the claims of the present application are patentable over the art of record.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on September 4, 2008.

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